

1 **GEORGE M. RANALLI, ESQ.**
 2 Nevada Bar No. 5748
VICKI DRISCOLL, ESQ.
 3 Nevada Bar No. 3939
JAMES F. HOLTZ, ESQ.
 4 Nevada Bar No. 8119
RANALLI ZANIEL FOWLER & MORAN, LLC
 5 2400 W. Horizon Ridge Parkway
 Henderson, NV 89025
 6 Telephone: (702) 477-7774
 Facsimile: (702) 477-7778
 7 ranalliservice@ranallilawyers.com
 Attorneys for Defendant
 8 WALGREEN CO.

9 **UNITED STATES DISTRICT COURT**
 10 **FOR THE DISTRICT OF NEVADA**

11 MICHAEL BALL, an individual,)
 12) Case No.
 Plaintiff,)
 13 vs.)
 14 WALGREEN CO., a Foreign Corporation))
 d/b/a WALGREENS #50311, DOE)
 15 EMPLOYEES I through X, and ROE)
 BUSINESS ENTITIES I through X,)
 16 inclusive;)
 17 Defendants.)
)

NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. §
1441 (B) (DIVERSITY)

18 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

19 PLEASE TAKE NOTICE that Defendant WALGREEN CO. hereby removes
 20 to this Court the state court action described below.

21 1. On September 25, 2020, an action was commenced in the
 22 District Court for Clark County, Nevada, entitled MICHAEL BALL vs.
 23 WALGREEN CO. d/b/a WALGREENS #50311, DOE EMPLOYEES I through X,
 24 and ROE BUSINESS ENTITIES I through X, as Case No: A-20-821968-C.
 A copy of the Complaint, Summons and Initial Appearance Fee

1 Disclosure are attached hereto as **Exhibits A, B and C.**

2 2. Defendant WALGREEN CO. received a copy of said Complaint
3 on September 30, 2020, when Defendant's agent accepted service of
4 said Summons and Complaint on its behalf. A copy of the Affidavit
5 of Service is attached hereto as **Exhibit D.**

6 3. This is a civil action of which this Court has original
7 jurisdiction under 28 U.S.C. § 1332, and is one which may be
8 removed to this Court by Defendant pursuant to the provisions of
9 28 U.S.C. § 1441(b) in that it is a civil action between citizens
10 of different states and the matter in controversy exceeds the sum
11 of \$75,000, exclusive of interest and costs.

12 4. The Complaint states that Plaintiff is a citizen of the
13 State of Nevada. Defendant WALGREEN CO. was at the time of filing
14 this action, and still is, a corporation incorporated under the
15 laws of the State of Illinois, having its principal place of
16 business at Deerfield, Illinois.

17 5. On October 20, 2020, Defendant WALGREEN CO. filed its
18 Initial Appearance Fee Disclosure, Answer to Plaintiff's Complaint
19 and Demand for Jury Trial. A copy of the Initial Appearance Fee
20 Disclosure, Answer to Plaintiff's Complaint and Demand for Jury
21 Trial are attached as **Exhibits E, F and G.**

22 6. On November 10, 2020, Plaintiff filed a Request for
23 Exemption from Arbitration asserting that, to date, Plaintiff has
24 incurred medical expenses of \$41,810.10. It further alleges that
Plaintiff still experiences pain and is planning to have a knee

1 replacement surgery with Dr. Martin, an orthopedic surgeon in the
 2 near future. Thus, it is reasonable to conclude that the amount
 3 in controversy exceeds \$75,000. A copy of the Petition for
 4 Exemption from Arbitration is attached hereto as **Exhibit H**.

5 7. Removal is timely as Defendant WALGREEN CO. filed this
 6 notice of removal within thirty days of Plaintiff filing his
 7 Petition for Exemption from Arbitration, at which time Walgreen
 8 Co. learned of the amount in controversy, and within one year of
 9 the Complaint's filing. 28 U.S.C. § 1446(b). (See Harris vs.
 10 Bankers Life & Cas. Co. 425 F.3d 689, 694 (9th Cir. 2005)).

11 DATED this 12th day of November, 2020.

12 **RANALLI ZANIEL FOWLER & MORAN, LLC**

13 */s/ Vicki Driscoll*

14 **GEORGE M. RANALLI, ESQ.**

Nevada Bar No. 5748

15 **JAMES F. HOLTZ, ESQ.**

Nevada Bar No. 8119

16 **VICKI DRISCOLL, ESQ.**

Nevada Bar No. 3939

17 Attorneys for Defendant,
 18 WALGREEN CO.

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I am an employee of RANALLI ZANIEL FOWLER & MORAN, LLC, and that on the 12th of November, 2020 I caused the foregoing **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441 (B) (DIVERSITY)** to be served as follows:

☐ by placing a true and correct copy of the same to be deposited for mailing in the US Mail at Henderson, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or

☐ by sending it via facsimile; and/or

☐ by hand delivery to the parties listed below; and/or

☒ via electronic service via the Case Management/Electronic Case Files system:

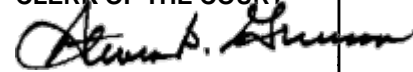
Kevin R. Hansen, Esq.
Amy M. Wilson, Esq.
LAW OFFICES OF KEVIN R. HANSEN
5440 W. Sahara Ave., Ste. 206
Las Vegas, Nevada 89146

/s/ Vicki Perez

**An Employee of
RANALLI ZANIEL, FOWLER & MORAN**

EXHIBIT A

Electronically Filed
9/25/2020 4:32 PM
Steven D. Grierson
CLERK OF THE COURT



COMP
KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Tel: (702) 478-7777
Fax: (702) 728-2484
kevin@kevinrhansen.com
amy@kevinrhansen.com
Attorneys for Plaintiff

CASE NO: A-20-821968-C
Department 9

DISTRICT COURT
CLARK COUNTY, NEVADA

MICHAEL BALL, an Individual,
Plaintiff,

vs.

WALGREEN CO., a Foreign Corporation,
d/b/a WALGREENS #50311, DOE
EMPLOYEES I through X, and ROE
BUSINESS ENTITIES I through X inclusive,
Defendants.

Case No.:
Dept No.:

COMPLAINT

Plaintiff MICHAEL BALL, by and through his counsel of record, KEVIN R. HANSEN, ESQ., and AMY M. WILSON, ESQ., of the law firm LAW OFFICES OF KEVIN R. HANSEN, complains and avers of the Defendants as follows:

I.

PARTIES IN JURISDICTION

1. The events and circumstances giving rise to this Complaint occurred in Clark County, Nevada on or about April 3, 2019.

LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas NV 89146
Tel (702) 478-7777 Fax (702) 728-2484

2. Plaintiff MICHAEL BALL (hereinafter, "Plaintiff"), at all times material herein was, and currently is a resident of Clark County, State of Nevada.

3. Upon information and belief, Defendant WALGREEN CO., d/b/a WALGREENS #50311 (hereinafter, "Defendant"), is a Foreign Corporation duly licensed and conducting business in the State of Nevada.

4. Defendants DOE EMPLOYEES I through X, and ROE BUSINESS ENTITIES I through X, are set forth herein pursuant to rule 10 of the Nevada Rules of Civil Procedure. They constitute all persons or business entities currently unknown to Plaintiff who are believed to be responsible for the events and happenings referred to in this Complaint or otherwise have a claim to an interest in the subject matter of this Complaint. At such time when the names of said DOE EMPLOYEES and ROE BUSINESS ENTITIES have been ascertained, Plaintiff will request leave from the court to amend this Complaint and insert their true names and capacities and adjoin them in this action. All the defendants to this action, including the DOE EMPLOYEES and ROE BUSINESS ENTITIES, are referred to herein as "Defendants" or "Defendants and each of them."

5. Jurisdiction is obtained and venue is properly set in the Eighth Judicial District Court for the State of Nevada.

FACTS

6. Plaintiff incorporates and realleges all foregoing paragraphs as though these paragraphs were fully set forth herein.

7. On or about April 3, 2019, Plaintiff was a lawful visitor at WALGREENS #50311 located at 1180 E. Flamingo Rd., Las Vegas, NV 89119 owned and operated by Defendant WALGREEN CO.

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1 16. Defendant WALGREEN CO., d/b/a WALGREENS #50311 at all times relevant
2 herein, owned and was responsible for operating, controlling, and maintaining the premises where
3 Plaintiff tripped and fell on or about April 3, 2019.

4 17. Defendants, and each of them, owed Plaintiff a duty of reasonable care to maintain
5 the premises of WALGREENS #05311 in a reasonably safe condition.
6

7 18. Defendants, and each of them, breached this duty by allowing a hazardous
8 condition to be present on the premises without warning or notice.

9 19. Defendants, and each of them, were responsible for the presence of the hazardous
10 condition, or knew or should have known of the presence of the hazardous condition prior to the
11 moment that Plaintiff tripped and fell.

12 20. Each Defendant DOE EMPLOYEE was the agent, servant and/or employee of
13 Defendant WALGREENS #05311, acting within the course and scope of such agency, service,
14 and/or employment.
15

16 21. As a direct and proximate result of the actions of Defendants, and each of them,
17 Plaintiff suffered injuries to his body. These injuries caused and will continue to cause him mental
18 and physical pain and suffering in an amount of general damages in excess of \$15,000.00.
19

20 22. As a direct and proximate result of the negligence of Defendants, and each of them,
21 Plaintiff had to employ physicians and other health care providers to examine, treat, and care for
22 his injuries. As a result, he incurred medical and incidental expenses in an amount of special
23 damages in excess of \$15,000.00.
24

25 23. As a direct and proximate result of the actions of Defendants, and each of them,
26 Plaintiff has had to incur expenses for attorneys' fees and costs of suit herein and is entitled to
27 compensation for those expenditures in an amount to be determined by the Court.
28

SECOND CAUSE OF ACTION
(Premises Liability)

24. Plaintiff incorporates all foregoing paragraphs of the Complaint as though these paragraphs were fully set forth herein.

25. At all times herein relevant, Plaintiff was a lawful visitor at the WALGREENS #05311 located at 1180 E. Flamingo Rd., Las Vegas, NV 89119.

26. At all times herein relevant, Defendants and each of them were responsible for the condition and safety of the premises at WALGREENS #05311 where Plaintiff tripped and fell on or about April 3, 2019.

27. Defendants, and each of them, owed Plaintiff a duty of reasonable care to maintain the premises at WALGREENS #05311 in a reasonably safe condition.

28. Defendants, and each of them, breached this duty by allowing the hazardous condition to be present and for failing to rectify the condition before Plaintiff tripped and fell.

29. Defendants, and each of them, were responsible for the presence of the hazardous condition or knew or should have known of the presence of the hazardous condition prior to the moment that Plaintiff tripped and fell.

30. Each Defendant DOE EMPLOYEE was the agent, servant and/or employee of Defendant WALGREENS #50311, acting within the course and scope of such agency, service, and/or employment.

31. As a direct and proximate result of the actions of Defendants, and each of them, Plaintiff suffered injuries to his body. These injuries caused and will continue to cause him mental and physical pain and suffering in an amount of general damages in excess of \$15,000.00.

32. As a direct and proximate result of the negligence of Defendants, and each of them, Plaintiff had to employ physicians and other health care providers to examine, treat, and care for

1 his injuries. As a result, he incurred medical and incidental expenses in an amount of special
2 damages in excess of \$15,000.00.

3 33. As a direct and proximate result of the actions of Defendants, and each of them,
4 Plaintiff has had to incur expenses for attorneys' fees and costs of suit herein and is entitled to
5 compensation for those expenditures in an amount to be determined by the Court.
6

7 WHEREFORE, Plaintiff, expressly reserving the right to amend this complaint prior to or
8 at the time of trial of this action to insert those items of damage not yet fully ascertainable, prays
9 judgment against all Defendants, and each of them, as follows:

- 10 1. For general damages sustained by Plaintiff in an amount in excess of \$15,000.00;
- 11 2. For special damages sustained by Plaintiff in an amount in excess of \$15,000.00;
- 12 3. For the cost of suit and reasonable attorney's fees and costs;
- 13 4. For interest at the statutory rate; and
- 14 5. For such other relief as the Court deems just and proper.

15 DATED this 25th day of September 2020.
16

17
18 **LAW OFFICES OF KEVIN R. HANSEN**

19 

20 **KEVIN R. HANSEN, ESQ.**

21 Nevada Bar No. 6336

22 **AMY M. WILSON, ESQ.**

23 Nevada Bar No. 13421

24 5440 West Sahara Avenue, Suite 206

25 Las Vegas, Nevada 89146

26 Tel: (702) 478-7777

27 Fax: (702) 728-2484

28 kevin@kevinrhansen.com

amy@kevinrhansen.com

Attorneys for Plaintiff

LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas NV 89146
Tel (702) 478-7777 Fax (702) 728-2484

EXHIBIT B

LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas NV 89146
Tel (702) 478-7777 Fax (702) 728-2484

SUMM
KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Tel: (702) 478-7777
Fax: (702) 728-2484
kevin@kevinrhansen.com
amy@kevinrhansen.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

CASE NO: A-20-821968-C

MICHAEL BALL, an Individual,
Plaintiff,

Case No.:
Dept No.:

Department 9

vs.

SUMMONS

WALGREEN CO., a Foreign Corporation,
d/b/a WALGREENS #50311, DOE
EMPLOYEES I through X, and ROE
BUSINESS ENTITIES I through X, inclusive;
Defendants.

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 21 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint.

WALGREEN CO., d/b/a WALGREENS #50311

1. If you intend to defend this lawsuit, within 21 days after this Summons is served on you exclusive of the day of service you must do the following:

a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.

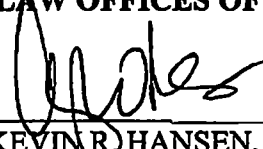
b. Serve a copy of your response upon the attorney whose name and address is shown below.

2. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

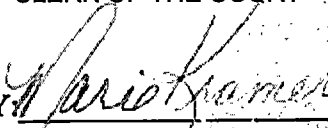
Issued at the direction of:

LAW OFFICES OF KEVIN R. HANSEN

STEVEN D. GRIERSON
CLERK OF THE COURT



KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
5440 West Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Attorneys for Plaintiff

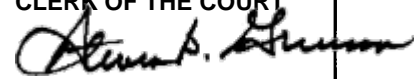
BY:  9/28/2020

DEPUTY CLERK DATE
County Courthouse
200 Lewis Ave, 3rd Floor, Suite 3125
Las Vegas, Nevada 89155
Marie Kramer

LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas NV 89146
Tel (702) 478-7777 Fax (702) 728-2484

EXHIBIT C

Electronically Filed
9/25/2020 4:32 PM
Steven D. Grierson
CLERK OF THE COURT



IAFD

KEVIN R. HANSEN, ESQ.

Nevada Bar No. 6336

AMY M. WILSON, ESQ.

Nevada Bar No. 13421

LAW OFFICES OF KEVIN R. HANSEN

5440 West Sahara Avenue, Suite 206

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kevin@kevinrhansen.com

amy@kevinrhansen.com

Attorneys for Plaintiff

CASE NO: A-20-821968-C
Department 9

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MICHAEL BALL, an Individual,

Plaintiff,

vs.

WALGREEN CO., a Foreign Corporation,
d/b/a WALGREENS #50311, DOE
EMPLOYEES I through X, and ROE
BUSINESS ENTITIES I through X inclusive,

Defendants.

Case No.:

Dept No.:

INITIAL APPEARANCE FEE
DISCLOSURE
NRS CHAPTER 19


Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above-entitled action as indicated below:

MICHAEL BALL \$270.00

TOTAL REMITTED: \$270.00

DATED this 25th day of September 2020.

LAW OFFICES OF KEVIN R. HANSEN



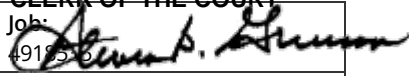
KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
Attorneys for Plaintiff

LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas NV 89146
Tel (702) 478-7777 Fax (702) 728-2484

EXHIBIT D

Electronically Filed
10/1/2020 10:13 AM
Steven D. Grierson
CLERK OF THE COURT

AFFIDAVIT OF SERVICE

Case: A-20-821968-C	Court: Clark County District Court	County: Clark, NV	Job: 4918556 
Plaintiff / Petitioner: Michael Ball		Defendant / Respondent: Walgreen Co., d/b/a Walgreens #50311	
Received by: Serve Vegas LLC		For: Law Offices of Kevin R. Hansen	
To be served upon: Walgreen Co., d/b/a Walgreens #50311			

I, Richard Reese, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: KRIS OSBORN, Corporate: 112 N. Curry St, Carson City, NV 89703

Manner of Service: Registered Agent, Sep 30, 2020, 12:54 pm PDT

Documents: Complaint, Summons, Initial Appearance Fee Disclosure, Civil Cover Sheet

Additional Comments:

1) Successful Attempt: Sep 30, 2020, 12:54 pm PDT at Corporate: 112 N. Curry St, Carson City, NV 89703 received by KRIS OSBORN. Age: 33; Ethnicity: Caucasian; Gender: Female; Weight: 160; Height: 5'5"; Hair: Blond; Eyes: Brown;
Pursuant to NRS 14.020 Documents were served by leaving a true copy, with the person stated above, who is a person of suitable age and discretion at the most recent address of the registered agent shown on the information filed with the Secretary of State.

I declare under penalty of perjury that the foregoing is true and correct.



09/30/2020

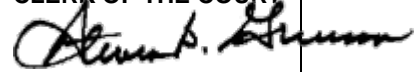
Richard Reese
PILB#1505

Date

Serve Vegas LLC
9811 W. Charleston Blvd 2-732
Las Vegas, NV 89117
775-720-2620

EXHIBIT E

Electronically Filed
10/20/2020 1:07 PM
Steven D. Grierson
CLERK OF THE COURT



1 **IAFD**

2 **JAMES F. HOLTZ, ESQ.**

Nevada Bar No. 8119

3 **GEORGE M. RANALLI, ESQ.**

Nevada Bar No. 5748

4 **RANALLI ZANIEL FOWLER & MORAN, LLC**

2400 W. Horizon Ridge Parkway

Henderson, NV 89025

Telephone: (702) 477-7774

Facsimile: (702) 477-7778

ranalliservice@ranallilawyers.com

Attorneys for Defendant

WALGREEN CO.

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL BALL, an individual,)

Plaintiff,)

vs.)

WALGREEN CO., a Foreign Corporation))

d/b/a WALGREENS #50311, DOE)

EMPLOYEES I through X, and ROE)

BUSINESS ENTITIES I through X,)

inclusive;)

Defendants.)

INITIAL APPEARANCE FEE DISCLOSURE

Pursuant to NRS Chapter 19, as amended by Senate Bill 106,
filing fees are submitted for parties appearing in the above-
entitled action as indicated below:

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CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that I am an employee of RANALLI ZANIEL FOWLER & MORAN, LLC, and that on the 19th day of October, 2020, I caused the foregoing **INITIAL APPEARANCE FEE DISCLOSURE** to be served as follows:

☐ by placing a true and correct copy of the same to be deposited for mailing in the US Mail at Henderson, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or

☐ pursuant to EDCR 7.26, by sending it via facsimile (w/out attachments); and/or

☐ by hand delivery to the parties listed below; and/or

☒ pursuant to N.E.F.C.R. Rule 9 and Administrative Order 14-2, by sending it via electronic service:

Kevin R. Hansen, Esq.
Amy M. Wilson, Esq.
LAW OFFICES OF KEVIN R. HANSEN
5440 W. Sahara Ave., Ste. 206
Las Vegas, Nevada 89146

/s/ Donna Hicks

**An Employee of
RANALLI ZANIEL, FOWLER & MORAN**

EXHIBIT F

I.

PARTIES IN JURISDICTION

1. As to the allegations of Paragraph 1 of the Complaint, Defendant has insufficient information or belief to admit or deny said allegations, and on that ground denies each and every allegation in said Paragraphs.

2. As to the allegations of Paragraph 2 of the Complaint, Defendant has insufficient information or belief to admit or deny said allegations, and on that ground denies each and every allegation in said Paragraphs.

3. As to the allegations of Paragraph 3 of the Complaint, Defendant admits being a foreign corporation licensed and conducting business in the State of Nevada, but has insufficient information or belief to admit or deny said remaining allegations, and on that ground denies each and every allegation in said Paragraphs.

4. As to the allegations of Paragraph 4 of the Complaint, Defendant has insufficient information or belief to admit or deny said allegations, and on that ground denies each and every allegation in said Paragraphs.

5. As to the allegations of Paragraph 5 of the Complaint, Defendant has insufficient information or belief to admit or deny said allegations, and on that ground denies each and every allegation in said Paragraphs.

FACTS

6. As to the allegations of Paragraph 6 of the Complaint, this answering Defendant repeats and re-alleges each and every answer to all preceding paragraphs and incorporates the same by reference as though fully set forth at length herein.

7. As to the allegations of Paragraph 7 of the Complaint, Defendant admits operating a Walgreens at 1180 East Flamingo Road, Las Vegas, Nevada on or about April 3, 2019, but has insufficient information or belief to admit or deny said remaining allegations, and on that ground denies each and every allegation in said Paragraph.

8. As to the allegations of Paragraph 8 of the Complaint, Defendant denies each and every allegation in said Paragraph

9. As to the allegations of Paragraph 9 of the Complaint, Defendant denies each and every allegation in said Paragraph.

10. As to the allegations of Paragraph 10 of the Complaint, Defendant has insufficient information or belief to admit or deny said allegations, and on that ground denies each and every allegation in said Paragraphs.

11. As to the allegations of Paragraph 11 of the Complaint, Defendant has insufficient information or belief to admit or deny said allegations, and on that ground denies each and every allegation in said Paragraphs.

///

1 12. As to the allegations of Paragraph 12 of the Complaint,
2 Defendant denies each and every allegation in said Paragraph.

3 13. As to the allegations of Paragraph 13 of the Complaint,
4 Defendant denies each and every allegation in said Paragraph.

5 14. As to the allegations of Paragraph 14 of the Complaint,
6 Defendant denies each and every allegation in said Paragraph.

7 **FIRST CAUSE OF ACTION**
8 **(Negligence)**

9 15. Answering Paragraph 15 of Plaintiff's Complaint, this
10 answering Defendant repeats and re-alleges each and every answer
11 to all preceding paragraphs and incorporates the same by reference
12 as though fully set forth at length herein.

13 16. As to the allegations of Paragraph 16 of the Complaint,
14 Defendant has insufficient information or belief to admit or deny
15 said allegations, and on that ground denies each and every
16 allegation in said Paragraphs.

17 17. As to the allegations of Paragraph 17 of the Complaint,
18 Defendant has insufficient information or belief to admit or deny
19 said allegations, and on that ground denies each and every
20 allegation in said Paragraphs.

21 18. As to the allegations of Paragraph 18 of the Complaint,
22 Defendant denies each and every allegation in said Paragraph.

23 19. As to the allegations of Paragraph 19 of the Complaint,
24 Defendant denies each and every allegation in said Paragraph.

1 20. As to the allegations of Paragraph 20 of the Complaint,
2 Defendant has insufficient information or belief to admit or deny
3 said allegations, and on that ground denies each and every
4 allegation in said Paragraphs.

5 21. As to the allegations of Paragraph 21 of the Complaint,
6 Defendant denies each and every allegation in said Paragraph.

7 22. As to the allegations of Paragraph 22 of the Complaint,
8 Defendant denies each and every allegation in said Paragraph.

9 23. As to the allegations of Paragraph 23 of the Complaint,
10 Defendant denies each and every allegation in said Paragraph.

11 **SECOND CAUSE OF ACTION**
12 **(Premises Liability)**

13 24. As to the allegations of Paragraph 24, this answering
14 Defendant repeats and re-alleges each and every answer to all
15 preceding paragraphs and incorporates the same by reference as
16 though fully set forth at length herein.

17 25. As to the allegations of Paragraph 25 of the Complaint,
18 Defendant has insufficient information or belief to admit or deny
19 said allegations, and on that ground denies each and every
20 allegation in said Paragraphs.

21 26. As to the allegations of Paragraph 26 of the Complaint,
22 Defendant has insufficient information or belief to admit or deny
23 said allegations, and on that ground denies each and every
24 allegation in said Paragraphs.

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1 27. As to the allegations of Paragraph 27 of the Complaint,
2 Defendant has insufficient information or belief to admit or deny
3 said allegations, and on that ground denies each and every
4 allegation in said Paragraphs.

5 28. As to the allegations of Paragraph 28 of the Complaint,
6 Defendant denies each and every allegation in said Paragraph.

7 29. As to the allegations of Paragraph 29 of the Complaint,
8 Defendant denies each and every allegation in said Paragraph.

9 30. As to the allegations of Paragraph 30 of the Complaint,
10 Defendant has insufficient information or belief to admit or deny
11 said allegations, and on that ground denies each and every
12 allegation in said Paragraphs.

13 31. As to the allegations of Paragraph 31 of the Complaint,
14 Defendant denies each and every allegation in said Paragraph.

15 32. As to the allegations of Paragraph 32 of the Complaint,
16 Defendant denies each and every allegation in said Paragraph.

17 33. As to the allegations of Paragraph 33 of the Complaint,
18 Defendant denies each and every allegation in said Paragraph.

19 **AFFIRMATIVE DEFENSES**

20 **FIRST AFFIRMATIVE DEFENSE**

21 Plaintiff's Complaint on file herein fails to state a claim
22 against Defendant upon which relief can be granted.

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SECOND AFFIRMATIVE DEFENSE

The incident alleged in the Complaint, and the resulting damages, if any, to Plaintiff, was proximately caused or contributed to by the Plaintiff's own negligence, and such negligence was greater than the negligence, if any, of Defendants, and/or Defendant is entitled to an offset for the negligence of Plaintiffs if such negligence was less than that of Defendant.

THIRD AFFIRMATIVE DEFENSE

Defendant alleges that Plaintiffs have failed to mitigate his damages, if any.

FOURTH AFFIRMATIVE DEFENSE

The occurrences referred to in the Complaint, and all damages, if any, resulting there from, were caused by the acts or omissions of third parties over whom this answering Defendants had no control.

FIFTH AFFIRMATIVE DEFENSE

Attorney's fees are only recoverable through contract or by statute and are not recoverable as damages in a lawsuit for personal injury damages. Plaintiff's claims for attorney's fees and costs as alleged in Plaintiff's Complaint are not recoverable herein and have been improperly pled in Plaintiff's Complaint. Defendants specifically reserve the right to have Plaintiff's improperly pled claim for attorney's fees dismissed prior to trial. Plaintiff's claims are barred by the applicable statute of limitations.

SIXTH AFFIRMATIVE DEFENSE

An unforeseeable incapacity/sudden emergency as a bar to liability in negligence are based upon the principle that one is not negligent if an unforeseeable occurrence or sudden emergency causes an accident and/or injury.

SEVENTH AFFIRMATIVE DEFENSE

If any damages are awarded to Plaintiff, they should be apportioned among the Defendants according to their percentage of liability and/or among the various accidents and/or pre-existing conditions.

EIGHTH AFFIRMATIVE DEFENSE

Defendants are not joint and severally liable and are only severally liable, if liable at all.

NINTH AFFIRMATIVE DEFENSE

Any hazard alleged is trivial.

TENTH AFFIRMATIVE DEFENSE

Any hazard defect was open and obvious.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs do not have a ripe cause of action.

TWELVETH AFFIRMATIVE DEFENSE

If any hazard or danger existed to Plaintiff for which Defendant would be responsible, Plaintiff knew of the danger or hazard and her own unreasonable conduct was the cause of any injury, be it due to a hazardous, ultra-hazardous activity or condition or otherwise.

THIRTEENTH AFFIRMATIVE DEFENSE

All of the risks and dangers involved in the factual situation described in the Complaint were open, obvious and known to Plaintiff, and by reason thereof, Plaintiff assumed such risks and dangers incident thereto.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff's action is barred and/or diminished by the doctrines of consent, waiver, laches, estoppel and/or unclean hands.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff's own unreasonable conduct constitutes the sole or majority of the cause for his alleged injuries.

SIXTEENTH AFFIRMATIVE DEFENSE

The occurrences referred to in the Complaint, and all damages, if any, resulting there from, were caused by the acts or omissions of co-defendants, unnamed defendants, non-parties or third parties over whom this answering Defendant had no control.

SEVENTEENTH AFFIRMATIVE DEFENSE

These Answering Defendants, not being fully advised as to all facts and circumstances surrounding the incident complained of, hereby assert and reserve unto themselves the defenses of accord and satisfaction, arbitration and award, discharged and bankruptcy, duress, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, permit, consent, payment, release res judicata, statute of frauds, and other contract defenses

1 including but not limited to failure of contract formation,
2 absence of privity, Plaintiff's lack of standing, absence, lack
3 or failure of consideration, illusory promises, absence of mutual
4 assent, mutual mistake and/or unilateral mistake wherein Plaintiff
5 was aware of the mistake, misrepresentation and/or fraud, failure
6 to perform, unconscionability, improper delegation of duties
7 and/or assignment of rights, nonoccurrence of condition precedent,
8 excuse, and discharge by performance, impossibility,
9 impracticability, frustration, illegality, rescision,
10 modification, novation, release, cancellation, substituted
11 contract, account stated, lapse, operation of law including but
12 not limited to running of the statute of limitations, and/or
13 occurrence of condition subsequent, consent of the Plaintiffs,
14 that Plaintiffs have granted Defendant's an easement either
15 expressly or implied in fact, that the conditions complained of
16 were so open and obvious that Plaintiffs or their predecessors in
17 interest consented to them, that any damages claimed by Plaintiffs
18 are the fault of underlying contractors, construction companies,
19 developers or laborers over whom Defendants had no control or
20 authority and any other matter constituting an avoidance or
21 affirmative defense which the further investigation of this matter
22 may prove applicable herein.

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EIGHTEENTH AFFIRMATIVE DEFENSE

Any alleged hazardous condition was unknown to Defendant and if it existed, had existed for such a short period of time that Defendant cannot be held responsible for it.

NINETEENTH AFFIRMATIVE DEFENSE

Pursuant to NRCP Rule 11, as amended, all possible affirmative defenses may not have been alleged herein, insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendants' Answer and, therefore, Defendants reserve the right to amend their Answer to allege additional affirmative defenses or withdraw certain affirmative defenses if subsequent investigation warrants.

PRAYER FOR RELIEF

WHEREFORE, this answering Defendant prays for judgment as follows:

1. That Plaintiff take nothing by way of his Complaint on file herein;

2. That Plaintiff's Complaint be dismissed with prejudice;

3. For reasonable attorney's fees incurred in the defense of this action; and

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1 4. For such other and further relief as the Court may deem
2 just and proper.

3 DATED this 19th day of October, 2020.

4
5 **RANALLI ZANIEL FOWLER & MORAN, LLC**

6 */s/ Jason Andrew Fowler, #8074*

7
8 _____
9 **GEORGE M. RANALLI, ESQ.**

10 Nevada Bar No. 5748

11 **JAMES F. HOLTZ, ESQ.**

12 Nevada Bar No. 8119

13 2400 W. Horizon Ridge Parkway

14 Henderson, Nevada 89052

15 Attorney for Defendant,

16 WALGREEN CO.

RANALLI ZANIEL FOWLER & MORAN, LLC
2400 W. HORIZON RIDGE PARKWAY
HENDERSON, NEVADA 89052
TELEPHONE: (702) 477-7774 FAX: (702) 477-7778

CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that I am an employee of RANALLI ZANIEL FOWLER & MORAN, LLC, and that on the 20th day of October, 2020, I caused the foregoing **DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT** to be served as follows:

☐ by placing a true and correct copy of the same to be deposited for mailing in the US Mail at Henderson, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or

☐ pursuant to EDCR 7.26, by sending it via facsimile (w/out attachments); and/or

☐ by hand delivery to the parties listed below; and/or

☒ pursuant to N.E.F.C.R. Rule 9 and Administrative Order 14-2, by sending it via electronic service:

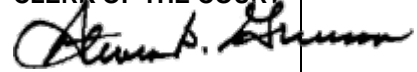
Kevin R. Hansen, Esq.
Amy M. Wilson, Esq.
LAW OFFICES OF KEVIN R. HANSEN
5440 W. Sahara Ave., Ste. 206
Las Vegas, Nevada 89146

/s/ Donna Hicks

An Employee of
RANALLI ZANIEL, FOWLER & MORAN

EXHIBIT G

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10/20/2020 1:07 PM
Steven D. Grierson
CLERK OF THE COURT



DMJT

JAMES F. HOLTZ, ESQ.

Nevada Bar No. 8119

GEORGE M. RANALLI, ESQ.

Nevada Bar No. 5748

RANALLI ZANIEL FOWLER & MORAN, LLC

2400 W. Horizon Ridge Parkway

Henderson, NV 89025

Telephone: (702) 477-7774

Facsimile: (702) 477-7778

ranalliservice@ranallilawyers.com

Attorneys for Defendant

WALGREEN CO.

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL BALL, an individual,

Plaintiff,

vs.

WALGREEN CO., a Foreign Corporation)

d/b/a WALGREENS #50311, DOE

EMPLOYEES I through X, and ROE

BUSINESS ENTITIES I through X,

inclusive;

Defendants.

)

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) CASE NO.: A-20-821968-C

) DEPT. NO.: IX

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DEMAND FOR JURY TRIAL

Defendant, WALGREEN, CO., by and through its attorney of

record, GEORGE M. RANALLI, ESQ., with the law firm of RANALLI

ZANIEL FOWLER & MORAN, LLC, hereby demands a jury trial of all

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of the issues in the above-entitled matter.

DATED this 19th day of October, 2020.

RANALLI ZANIEL FOWLER & MORAN, LLC

/s/ Jason Andrew Fowler, #8071

GEORGE M. RANALLI, ESQ.

Nevada Bar No. 5748

JAMES F. HOLTZ, ESQ.

Nevada Bar No. 8119

2400 W. Horizon Ridge Parkway

Henderson, Nevada 89052

Attorney for Defendant,

WALGREEN CO.

RANALLI ZANIEL FOWLER & MORAN, LLC
2400 W. HORIZON RIDGE PARKWAY
HENDERSON, NEVADA 89052
TELEPHONE: (702) 477-7774 FAX: (702) 477-7778

CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that I am an employee of RANALLI ZANIEL FOWLER & MORAN, LLC, and that on the 19th day of October, 2020, I caused the foregoing **DEMAND FOR JURY TRIAL** to be served as follows:

[] by placing a true and correct copy of the same to be deposited for mailing in the US Mail at Henderson, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or

[] pursuant to EDCR 7.26, by sending it via facsimile (w/out attachments); and/or

[] by hand delivery to the parties listed below; and/or

[X] pursuant to N.E.F.C.R. Rule 9 and Administrative Order 14-2, by sending it via electronic service:

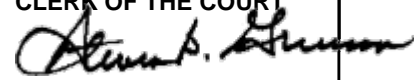
Kevin R. Hansen, Esq.
Amy M. Wilson, Esq.
LAW OFFICES OF KEVIN R. HANSEN
5440 W. Sahara Ave., Ste. 206
Las Vegas, Nevada 89146

/s/ Donna Hicks

**An Employee of
RANALLI ZANIEL, FOWLER & MORAN**

EXHIBIT H

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Steven D. Grierson
CLERK OF THE COURT



ABREA
KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
LAW OFFICES OF KEVIN R HANSEN
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Las Vegas, Nevada 89146
Tel: (702) 478-7777
Fax: (702) 728-2484
kevin@kevinrhansen.com
amy@kevinrhansen.com
Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MICHAEL BALL, an Individual,

Plaintiff,

vs.

Case No.: A-20-821968-C
Dept. No.: IX

WALGREEN CO., a Foreign Corporation,
d/b/a WALGREENS #50311, DOE
EMPLOYEES I through X, and ROE
BUSINESS ENTITIES I through X inclusive,

Defendants.

PLAINTIFF'S REQUEST FOR EXEMPTION FROM ARBITRATION

Plaintiff MICHAEL BALL, hereby requests the above-captioned matter be exempted from arbitration, pursuant to Nevada Arbitration Rules 3 and 5, as this case:

1. _____ presents a significant issue of public policy;
2. X involves an amount in issue in excess of \$50,000.00, exclusive of interest and costs;
3. _____ presents unusual circumstances, which constitute good cause for removal from the program.

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LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas NV 89146
Tel (702) 478-7777 Fax (702) 728-2484

SUMMARY OF FACTS

On or about April 3, 2019, Plaintiff Michael Ball was a lawful customer at the WALGREENS location #50311. As Mr. Ball was leaving the store, he tripped and fell due to the large amount of gravel present on the premises which created a dangerous hazard.

Plaintiff suffered multiple physical injuries, mental anguish, loss of enjoyment of life and recreational activities due to the negligence of the Defendants.

INITIAL TRAUMA & PAIN AND SUFFERING

Due to the negligence and failure to exercise due care by the defendant, Plaintiff has suffered physical and emotional distress as a result of this accident.

The pain and injuries suffered by Plaintiff were caused by the negligence of the defendant and forced Plaintiff to seek medical intervention. His ability to perform normal daily activities was greatly affected and he continues to struggle with pain in the months following the accident.

Plaintiff has endured ongoing pain, suffering, anxiety, worry and problems that resulted in a lessened quality of life. Plaintiff would not have suffered these injuries if not for the negligence of the defendant.

INJURIES AND TREATMENT

After the incident, Mr. Ball presented to Sunrise Hospital and Medical Center where he reported that he had slipped on loose gravel and fell hitting his head. He reported lower back and neck pain, headache, and left knee, ankle and foot pain, as well as scrapes to his left knee. Mr. Ball was examined by ER physicians and X-rays were performed. Mr. Ball was diagnosed with back pain, closed head injury, knee strain, and thyroid cyst. Mr. Ball was given a prescription for Flexeril and Tylenol and instructed to follow up with his Primary Care Physician.

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1 Mr. Ball treated with Dr. Lipshutz at Monos Health Institute. Mr. Ball reported that his
 2 knee pain had worsened since his recent fall and that he had severe neck and low back pain as
 3 well. Dr. Lipshutz performed a thorough exam and evaluation and diagnosed Mr. Ball with the
 4 following:

- 5 • Pain in right knee
- 6 • Pain in left knee
- 7 • Spondylosis w/o myelopathy or radiculopathy, Cervical
- 8 • Spondylosis w/o myelopathy or radiculopathy, Lumbar
- 9 • Fibromyalgia

10 Mr. Ball continued to treat with Dr. Lipshutz through October 1, 2019 who managed his
 11 pain medications.

12 Mr. Ball returned to the ER at Sunrise Hospital on July 7, 2019 with complaints of leg,
 13 neck, and back pain, as well as headaches every night since the head injury from this fall incident.

14 Mr. Ball is planning to have a knee replacement surgery with Dr. Martin, an orthopedic
 15 surgeon in the near future.

16 PLAINTIFF'S SUMMARY OF DAMAGES

17 Liability is clearly established. The negligence of Defendant caused Plaintiff to fall, which
 18 could have been avoided had Defendant exercised its duty of care to reasonably maintain the
 19 premises in a safe manner, free of hazardous debris. As a result, Plaintiff suffered severe bodily
 20 injury and other damages.

21 ///

22 ///

Below please find a summary of Plaintiff, BALL'S medical specials related to the subject accident to date:

Provider	Amount
Sunrise Hospital	\$23,038.00
Fremont Emergency Physicians	\$1,938.00
Radiology Specialists	\$487.00
Monos Health Institute	\$16,347.10
FUTURE COSTS	TBD
LOST WAGES	TBD
TOTAL	\$41,810.10

CONCLUSION

In addition to Plaintiff's medical expenses, potential future medical costs, and lost wages Plaintiff is entitled to general damages. General damages are difficult to calculate and precisely quantify and depend on the specific circumstances of the claim/claimant. The trier of fact will ultimately determine the amount of money necessary to compensate a Plaintiff(s) for general damages. Here, the facts and circumstances certainly warrant a large award of general damages for Plaintiff's pain, suffering, grief, anxiety, and inconvenience which in addition to the medical specials, potential future medical costs, and lost wages, will certainly exceed \$50,000.00. Therefore, Plaintiff's damages warrant exemption from arbitration.

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1 I hereby certify, pursuant to NRCP 11, this case to be within the exemptions marked above
2 and am aware of the sanctions that may be imposed against any attorney or party who without
3 good cause or justification attempts to remove a case from the arbitration program.

4 DATED this 10th day of November, 2020.

5 **LAW OFFICES OF KEVIN R. HANSEN**

6 

7
8 KEVIN R. HANSEN, ESQ.

9 Nevada Bar No. 6336

10 AMY M. WILSON, ESQ.

11 Nevada Bar No. 13421

12 5440 West Sahara Avenue, Suite 206

13 Las Vegas, NV 89146

14 *Attorneys for Plaintiff*

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LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas NV 89146
Tel (702) 478-7777 Fax (702) 728-2484

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of THE LAW OFFICES OF KEVIN R. HANSEN, and on the 10th day of November, 2020, the foregoing REQUEST FOR EXEMPTION FROM ARBITRATION was served via Odyssey E-Serve and/or U.S. Mail addressed to:

James F. Holtz, Esq.
George M. Ranalli, Esq.
RANALLI ZANIEL FOWLER & MORAN, LLC
2400 W. Horizon Ridge Pkwy.
Henderson, NV 89025
Attorneys for Defendant


An Employee of Law Offices of Kevin R. Hansen

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